



## **National Advisory Council for Environmental Policy and Technology (NACEPT) Meeting (Teleconference)**

**Thursday, December 19, 2013  
12:00 p.m. – 4:00 p.m. EST**

**William Jefferson Clinton Building East, Room 1132  
1201 Constitution Avenue, NW  
Washington, D.C.**

### **MEETING SUMMARY (FINAL)**

#### **Welcome, Introductions and Overview of the Agenda**

*Mark Joyce, Acting Designated Federal Officer (DFO) for the National Advisory Council for Environmental Policy and Technology (NACEPT), U.S. Environmental Protection Agency (EPA); Denise Benjamin-Sirmons, Director, Office of Diversity, Advisory Committee Management and Outreach (ODACMO), EPA; Cynthia Jones-Jackson, Deputy Director, ODACMO, EPA; and William Ross, Jr., NACEPT Chair, Visiting Professor, Nicholas School of the Environment, Duke University*

Mr. Mark Joyce (NACEPT Acting DFO) welcomed the Council members participating via teleconference. He expressed his appreciation to the NACEPT workgroup members for their diligent efforts in meeting a challenging deadline to produce an excellent draft of comments in response to the *Fiscal Year (FY) 2014-2018 EPA Draft Strategic Plan*. The workgroup was chaired by Mr. Howard Learner (NACEPT Vice-Chair; Environmental Law and Policy Center), and he was assisted by workgroup members Mr. Robert Kerr (Pure Strategies, Inc.), Dr. Ronald Meissen (Baxter International, Inc.), Dr. Olufemi Osidele (Southwest Research Institute) and Ms. Alison Taylor (Siemens Corporation). Mr. Joyce emphasized that the Agency welcomes the Council's comments, and the draft highlights several key issues for consideration. He explained that the purpose of the call was to discuss the draft letter and incorporate any additional material or revisions deemed appropriate by the Council members. The goal of the meeting was to approve the advice letter so it could be sent forward to the Administrator after the final revisions.

Mr. Joyce explained that during the meeting, the NACEPT members could raise and discuss any substantive issues with the content of the draft comments. Provided that the Council members agree on the proposed substantive revisions, the letter could be approved, adopted and submitted to the Administrator. All editorial changes would be completed prior to finalizing the letter.

Ms. Cynthia Jones-Jackson also commended the Council members, especially Mr. Learner and the drafting team, for their hard work and quick turnaround in producing the advice letter. She thanked Mr. William Ross, Jr. (NACEPT Chair; Nicholas School of the Environment, Duke University) and Mr. Learner for their leadership. Ms. Jones-Jackson informed the Council members that she would be retiring on December 31, 2013, and this was to be her final NACEPT meeting. She thanked all of the Council members for their accomplishments, and she expressed confidence that the excellent work would continue. She noted that it had been a pleasure and an honor to work with each NACEPT member. Ms. Jones-Jackson explained that her father's health problems as well as some health issues of her own led to this decision, and she was ready to open a new chapter in her life and career.

Mr. Ross thanked Ms. Jones-Jackson for her assistance and leadership with the Council, and he expressed well wishes for her health and future. He mentioned that during her 40 years with the federal service following her *cum laude* graduation from Howard University, Ms. Jones-Jackson had been a terrific leader in many diversity outreach engagements. On behalf of the Council, Mr. Ross reiterated his best wishes and thanked Ms. Jones-Jackson for her outstanding service. Mr. Learner and other Council members present echoed Mr. Ross' comments, and Ms. Jones-Jackson thanked the Council members for their encouraging words.

Mr. Eugene Green (ODACMO, EPA) called the roll and noted the public attendees for the record. Having exceeded the quorum of 11 members, the Council began deliberations on the comments. Given that the members were participating by teleconference, Mr. Ross reminded the participants to identify themselves prior to speaking. He encouraged all of the attendees to provide feedback on the letter, including comments, observations or questions about the content as written.

Mr. Joyce stated that the final date for submission of public comments in response to the Draft *Strategic Plan* is January 3, 2014. The NACEPT's final draft is due back to Mr. Joyce by December 30, 2013, to allow time to introduce the letter into the control correspondence system and official docket.

#### **Discussion of NACEPT Comments on the FY 2014-2018 EPA Draft Strategic Plan**

*Howard Learner, NACEPT Vice-Chair, Executive Director, Environmental Law and Policy, Chicago, IL; Workgroup Members; and NACEPT Members*

Mr. Learner recognized the workgroup members for their efforts in developing an expedited response to the *Strategic Plan*. He welcomed suggestions for improving the existing content of the letter as well as additional points that should be included. The Council reviewed the draft letter, page by page, and the comments are summarized below.

#### **Page 1:**

Mr. Joyce stated that the first line should read: "National Advisory Council for Environmental Policy and Technology." He noted several additional editorial corrections, which he agreed to send to Mr. Learner in a tracked-changes document following the meeting.

Mr. Ross commented that he was pleased that sustainability was woven frequently into different elements of the Draft *Strategic Plan*, which reflects many previous NACEPT recommendations (as well as recommendations on endocrine disruptors). He recommended that the Council incorporate a sentence into one of the opening paragraphs of the advice letter praising the Draft *Strategic Plan*. Mr. Learner suggested that the following sentence be added to the end of the first paragraph: "We believe this draft *FY 2014-2018 Draft Strategic Plan* points in the right direction and provides an effective strategic course moving forward." Mr. Learner sent the sentence to Mr. Ross via email for review and amendment.

Ms. Bridgett Luther (Cradle to Cradle Products Innovation Institute) suggested adding a comment to encourage the inclusion of the NACEPT's definition of sustainability within the Draft *Strategic Plan*. Mr. Learner commented that the Agency appeared to have decided against adopting a specific definition of sustainability in favor of reflecting sustainable principles in various strategies throughout the plan. He recommended that the Council refrain from pushing the Agency to adopt its definition of sustainability. Mr. Learner mentioned that the Council could include a reference to a previous advice letter on sustainability for the Agency to consider as it finalizes the Draft *Strategic Plan*. Ms. Luther thought it would be a good idea to reinforce the NACEPT's definition of sustainability. Mr. Ross expressed support for the inclusion of a definition of sustainability in the introduction, which drove the *Strategic Plan* process. Mr. Learner suggested including the following sentence: "We appreciate the Administrator's consideration of the NACEPT's earlier advice letter on sustainability and the recommendations provided

therein,” including the specific date and exact name of the advice letter referenced. Ms. Luther agreed with the suggested solution. All agreed.

## **Page 2:**

Mr. Ross suggested that the “APG” acronym be spelled out as “Agency Priority Goals” upon first mention.

Mr. Ross noted that the end of the second bullet includes a discussion of the sustainability cross-cutting strategy, and he suggested that another APG be included to develop and implement the sustainability action plans that would encourage sustainability progress for each of the five goal areas. Mr. Kerr commented that a goal related to sustainability indicators was referenced on page 50 of the *Strategic Plan*. Mr. Ross explained that a new Cross-Program: Sustainability APG was described on page 86, which read: “Advance sustainability by collaborating with a broad range of stakeholders to select sustainability indicators that can be widely understood and that can help drive the diverse public and private actions that are essential for achieving the long-term environmental quality.” Mr. Kerr mentioned that it would be challenging to determine how sustainable principles could be implemented within the Agency’s rigid regulatory responsibilities. Mr. Ross acknowledged his concern, but explained that the Agency can determine the best way to address the challenge. Adding the sustainability APG would provide another performance goal to advance sustainability within the Agency, and it deserves to be presented with the other APGs instead of being relegated to an asterisk on the final page of the Draft *Strategic Plan*. A participant agreed with Mr. Ross that establishing a goal that relies on the achievement and alignment of the other five goals is a smart way to proceed to help EPA transition from the traditional focus on regulation to the broader principles of sustainability. Later, Mr. Ross referenced page 48 of the Sustainability Plan, which read: “For each of these strategies, the Agency will develop annual action plans with commitments that align with existing planning, budget, and accountability processes, and that support EPA’s research and development agenda as appropriate.” Mr. Ross suggested that annual action plans be required as a performance goal. Mr. Learner suggested adding the following sentence to the end of the second bullet: “The Agency also considers the possibility of making sustainability a specific APG for those areas of decision making where EPA has sufficient regulatory discretion and in its non-regulatory programs.” He sent preliminary language to Mr. Ross via email and welcomed any revisions.

Mr. Learner noted that he was incorporating changes into the NACEPT advice letter during the discussion and would send the revised document to the Council members via email. He requested that any purely editorial comments be sent to him following the meeting.

## **Page 3:**

Mr. Kurt Erichsen (Toledo Metropolitan Area Council of Governments) appreciated the comment about the need to mention city and community planning in Goal 3 of the *Strategic Plan* (second bullet). A key consideration is repurposing and reuse of core city land, which relates directly to sustainability.

Mr. Erichsen noted that one issue missing from Goal 2 (first bullet) is an acknowledgement of harmful algal blooms, such as those that occur on Lake Erie. In the past, algal blooms were viewed as an ecological nuisance and water quality problem, but the toxins also threaten water safety and supplies. Mr. Learner suggested that Mr. Erichsen develop a sentence about how EPA can address algal blooms and nitrate pollution, with a reference to Lake Erie similar to the reference to Chicago in the next bullet. Mr. Erichsen clarified that the Great Lakes are referenced on page 70 of the *Strategic Plan* with regard to safe water. Previously, *E. coli* have been an issue with water safety, but toxins add a new dimension to safe water. Mr. Erichsen agreed to provide Mr. Learner with language to include on page 3, Goal 2: Protecting America’s Waters of the NACEPT advice letter. Mr. Learner suggested that the language read: “In addition, the Obama administration has made restoration of the Great Lakes ecosystem a priority strategy and focus for action. There are both longstanding historic pollution problems that need to be

addressed and newly emerging problems such as algal blooms.” Mr. Learner solicited Mr. Erichsen’s email address and sent him the updated draft NACEPT advice letter.

Ms. Luther commended the acknowledgment of hazards in Goal 4.

Dr. Fernando Abruña (Sustainable Architecture) noted that light pollution was not addressed in the *Sustainability Plan*, and he suggested that it be reflected in the NACEPT’s comments as light pollution is an issue in both cities and rural areas. Mr. Learner asked if light pollution should be a priority for the Agency. Mr. Ross stated that light pollution could be added to the bullet on promoting sustainable and livable communities, and Dr. Abruña indicated that it would be a good fit in Goal 3 or the following bullet (after the Chicago example of clean energy) on page 3 of the NACEPT advice letter. Mr. Learner agreed to modify the text on page 3 to read: “...transportation options, light pollution, and parks, open space and healthy foods.” [Note: Mr. Learner and Mr. Ross later realized that this particular edit was not appropriate because it would be modifying what the City of Chicago had identified as its priorities.]

#### **Page 4:**

Mr. Ross suggested the inclusion of another cross-cutting strategy related to partnerships. EPA is entering a new era of state, local and tribal partnerships. He noted that the cross-cutting strategy would be more powerful if it included additional categories of partnerships, such as collaborations with other federal agencies (e.g., the Department of Defense [DOD]) and regional partnerships, which already have demonstrated effectiveness. Many regional efforts could benefit from EPA’s active increase in support and participation. Mr. Kerr agreed with the suggestion and also recommended augmenting the list of partnerships on page 50 of the *Strategic Plan*. Mr. Ross emphasized that partnerships help EPA accomplish its sustainability goals. Mr. Learner commented that a useful place to reference the importance of partnerships would be in the cross-cutting strategy of communities, which could recognize the interagency Partnership of Sustainable Communities, comprised of EPA, the Department of Housing and Urban Development (HUD) and the Department of Transportation (DOT). Mr. Ross agreed to draft a bullet following the meeting to indicate the importance of adding additional categories of partnerships to the cross-cutting strategy on partnerships. The text will be added to page 4 of the NACEPT advice letter, following the bullet on nanomaterials.

Ms. Luther commented on the use of “should” and “could” throughout the NACEPT advice letter. She suggested changing the language to “should” in the penultimate (“EPA *should* work with many groups...”) and final bullet on page 4 (“EPA *should* consider...”) to strengthen the recommendations. Mr. Learner explained that the intent was to advise rather than direct the Administrator, and “could” was chosen deliberately instead of “must” or “should” in several places. Mr. Kerr noted that “should consider” was present throughout the advice letter already. Mr. Ross declared that the word selection be left to the discretion of the drafting team for case-by-case consideration, and Mr. Learner agreed to review the advice letter for consistent usage of the words throughout.

Dr. Osidele suggested emphasizing the importance of research to the penultimate bullet on page 4 that addressed education. For example, the National Science Foundation (NSF) program launched a research program to investigate sustainable topics, which was successful in accelerating university research. Dr. Meissen suggested that rather than replace an example present in the bullet, the NSF illustration could be added to the bullet to indicate how engineering and sustainability programs could be supported by research. Mr. Learner supported including the additional example, and Dr. Osidele agreed to provide the text to be added

Ms. Ondrea Barber (Gila River Indian Community) sent several comments by email to Mr. Learner, who noted that the second issue raised could not be addressed easily in several sentences. He agreed that tribes should be added to references of states and cities, and he incorporated those revisions on page 3 of the

NACEPT advice letter. Ms. Barber stated that tribes will be sending a separate comment letter in response to the Draft *Strategic Plan*.

### **Public Comments**

*William Ross, Jr., NACEPT Chair, Visiting Professor, Nicholas School of the Environment, Duke University*

Mr. Ross called for public comments and none were offered.

### **Concluding Announcements and Next Steps**

*William Ross, Jr., NACEPT Chair, Visiting Professor, Nicholas School of the Environment, Duke University*

Mr. Ross reflected that there appeared to be a concurrence of support for submission of the advice letter with the changes discussed, with the understanding that Mr. Learner and the drafting team would endeavor to incorporate the revisions, finalize the advice letter and send it to Mr. Joyce by December 30, 2013. Mr. Ross asked if any NACEPT members were uncomfortable proceeding with the advice letter as drafted, and no concerns were raised. Mr. Ross commended Mr. Learner for his excellent leadership in completing the draft letter during the busy holiday season. He also expressed gratitude to the workgroup for their efforts.

Mr. Learner noted that the new draft incorporates comments made by the NACEPT members during the meeting and indicates where additional text should be inserted. As soon as he receives the necessary text from Mr. Joyce, Mr. Ross, Dr. Osidele and Mr. Erichsen, he will perform a final edit to ensure consistency throughout the document and send the draft to the Council members for review. Mr. Joyce added that a final review will be conducted by ODACMO staff to ensure the letter is free from factual and editorial errors.

Ms. Jones-Jackson thanked the participants for their efforts and introduced Ms. Denise Benjamin-Sirmons, ODACMO Director. Ms. Benjamin-Sirmons echoed the appreciation for the Council members' excellent work under the expedited timeframe. She commented that she has reviewed previous NACEPT reports and is relying on one now as she works to develop the Agency's diversity and inclusion efforts. Ms. Benjamin-Sirmons wished the participants happy holidays and said that she was eager to work with the Council in the coming year. Mr. Ross added that the NACEPT members were looking forward to working with Ms. Benjamin-Sirmons. He encouraged the ODACMO staff to consider funding a face-to-face meeting for the NACEPT in the coming year, as teleconferences can be challenging.

Ms. Jones-Jackson publically recognized the ODACMO staff, including Mr. Joyce, Ms. Stephanie McCoy and Mr. Green, for their efforts. She underscored the diligent efforts that are required to plan Council meetings and work closely with each workgroup to develop recommendations and advice for the Administrator. Ms. Jones-Jackson also expressed appreciation to The Scientific Consulting Group contractor, Dr. Jennifer McCulley, for producing the NACEPT meeting summaries.

Mr. Joyce provided an update on the NACEPT's Advice Letter on the Social Pillar of Sustainability. He noted that the Council is awaiting further guidance from the Agency about the focus of the advice letter, which likely will be provided early in the new year.

Mr. Green explained that the NACEPT membership process was lengthy, and although it had been initiated during the summer, the government shutdown delayed the process. The current Council terms end on February 24, 2014. Mr. Green anticipates that the membership process will be finalized in February 2014, following the Administrator's approval.

Dr. Osidele moved to adopt the advice letter with the changes discussed. The motion was seconded, and the motion to accept the advice letter passed unanimously.

The NACEPT members wished each other happy holidays and expressed appreciation for each other's contributions to the Council's efforts.

Mr. Joyce requested that Mr. Ross and Mr. Learner remain on the call following the adjournment to discuss administrative matters, including the timing and finalization of the advice letter.

Mr. Ross asked for any final thoughts or observations. There being none, he adjourned the meeting at 1:30 p.m. EST.

### **Action Items**

- ✧ Mr. Learner will incorporate the discussion comments and revisions into the draft advice letter.
- ✧ NACEPT members will send any additional suggestions for specific word changes for the draft advice letter to Mr. Learner by December 20, 2013. These comments/revisions should be in the form of a tracked changes document.
- ✧ Mr. Learner will incorporate the changes and distribute a final copy to the Council members for review.
- ✧ The NACEPT will finalize the advice letter and send it to Mr. Joyce by December 30, 2013, to allow processing time prior to the January 3, 2014, deadline for public comments.

**National Advisory Council for Environmental Policy and Technology (NACEPT)  
Meeting Participants**

**NACEPT Members**

**Dr. Fernando Abruña**

Architect  
Sustainable Architecture  
Abruña and Musgrave, Architects  
San Juan, PR

**Ms. Ondrea Barber**

Executive Director  
Department of Environmental Quality  
Gila River Indian Community  
Sacaton, AZ

**Mr. John P. DeVillars**

Managing Partner  
BlueWave Capital, LLC  
TRC Companies, Inc.  
Boston, MA

**Mr. Kurt Erichsen**

Vice President  
Environmental Planning  
Toledo Metropolitan Area Council of  
Governments  
Toledo, OH

**Ms. Deeohn Ferris**

President  
Sustainable Community Development Group  
Washington, D.C.

**Mr. Robert Kerr**

Co-Founder and Principal  
Pure Strategies, Inc.  
Reston, VA

**Mr. Howard Learner (NACEPT Vice-Chair)**

Executive Director  
Environmental Law and Policy Center  
Chicago, IL

**Ms. Bridgett Luther**

President  
Cradle to Cradle Products Innovation Institute  
San Francisco, CA

**Dr. Ronald Meissen**

Senior Director of Sustainability  
Baxter International, Inc.  
Deerfield, IL

**Dr. Olufemi Osidele**

Senior Research Engineer  
Geosciences and Engineering Division  
Southwest Research Institute  
San Antonio, TX

**Dr. Edith A. Parker**

Professor and Head  
Department of Community and Behavioral  
Health  
College of Public Health  
University of Iowa  
Iowa City, IA

**Mr. William G. Ross (NACEPT Chair)**

Visiting Professor  
Nicholas School of the Environment  
Duke University  
Durham, NC

**Mr. Yalmaz Siddiqui**

Senior Director  
Environmental Strategy  
Office Depot  
Boca Raton, FL

**NACEPT Acting Designated Federal Officer**

**Mr. Mark Joyce**

U.S. Environmental Protection Agency  
Office of Diversity, Advisory Committee  
Management and Outreach (ODACMO)  
William Jefferson Clinton Building (1601M)  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Phone: (202) 564-2130  
Email: joyce.mark@epa.gov



### **EPA Participants**

#### **Denise Benjamin-Sirmons**

Director, ODACMO  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building (1601M)  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Phone: (202) 564-6771  
Email: benjamin-sirmons.denise@epa.gov

#### **Eugene Green**

U.S. Environmental Protection Agency  
William Jefferson Clinton Building (1601M)  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Phone: (202) 564-2432  
Email: green.eugene@epa.gov

#### **Cynthia Jones-Jackson**

Deputy Director, ODACMO  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building (1601M)  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Phone: (202) 564-2321  
Email: jones-jackson.cynthia@epa.gov

#### **Stephanie McCoy**

U.S. Environmental Protection Agency  
William Jefferson Clinton Building (1601M)  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Phone: (202) 564-7297  
Email: mccoy.stephanie@epa.gov

### **Other Participants**

#### **Mike Kendall**

Team Leader  
Atwell, LLC  
Charleston, TN

#### **David LaRoss**

*Inside EPA*  
Washington, D.C.

#### **Bob Oliphint**

Luminant Power  
Dallas, TX

#### **Justin Vickers**

Environmental Law and Policy Center  
Chicago, IL


### **Contractor Support**

#### **Jennifer McCulley**

The Scientific Consulting Group, Inc.  
656 Quince Orchard Road, Suite 210  
Gaithersburg, MD 20878  
Phone: (301) 670-4990  
Email: jmcculley@scgcorp.com

### **Chair Certification**

I, William Ross, Chair for the National Advisory Council for Environmental Policy and Technology (NACEPT) certify the meeting minutes for April 4, 2013 (video/teleconference) are complete and accurately reflect the discussions and decisions of said meeting.

A handwritten signature in cursive script, appearing to read "W. Ross", followed by a vertical line.

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**William Ross, NACEPT Chair**

**Date: 3/10/14**